UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/293,326	04/16/1999	STEPHEN M. BLANDING	1650	4722

7590   07/17/2002

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EXAMINER
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ART UNIT	PAPER NUMBER
2122	

2122

DATE MAILED: 07/17/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

PTO-90C (Rev. 07-01)

	Application No.		Applicant(s)	
Office Action Summary	09/293,326		BLANDING ET AL.	
	Examiner		Art Unit	
	Chuck O Kendall		2122	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) FROM
THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *16 April 1999* .

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☐ Claim(s) _____ is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-27* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11)☐ The proposed drawing correction filed on _____ is: a)☐ approved b)☐ disapproved by the Examiner.

    If approved, corrected drawings are required in reply to this Office action.

12)☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All b)☐ Some * c)☐ None of:

    1.☐ Certified copies of the priority documents have been received.

    2.☐ Certified copies of the priority documents have been received in Application No. _____ .

    3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

14)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

    a) ☐ The translation of the foreign language provisional application has been received.

15)☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)   4)☐ Interview Summary (PTO-413) Paper No(s). _____ .

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)   5)☐ Notice of Informal Patent Application (PTO-152)

3)☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .   6)☐ Other: .

U.S. Patent and Trademark Office
PTO-326 (Rev. 04-01)   **Office Action Summary**   Part of Paper No. 3

DETAILED ACTION

1. This action is in response to the application filed 02/17/00

   Claims 1-27 have been examined.

2.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the

basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the
United States before the invention thereof by the applicant for patent, or on an international application
by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this
title before the invention thereof by the applicant for patent.

Claims 1-4,6-7,9,14,16-21, 26-27 are rejected under 35 U.S.C. 102(e) as being

anticipated by Shrader et al USPN 5,867,713 hereinafter Shrader.

Regarding claim 1, Shrader anticipates, a network having software implementations

deployed therein, a method for determining a set of software implementations to deploy to a

client, comprising the steps of, maintaining information at a network location indicative of

precedence relationships between software implementations [2:47-50, (Examiner interprets

precedence relationship to be, required files), see child objects if required], selecting a software

implementation as a selected software implementation[3:8-16, see installation plan object and

customization plan object as interpreted], determining if the software implementation has

precedence over at least one other software implementation, and if so, setting the selected

software implementation for deployment and deselecting the at least one other software

implementation [2:47-50, for selected software implementation see, adding additional child

objects to installation plan, also see 10:27-29 for adding install objects to plan if needed].

Regards to claim 2 the method of claim 1 wherein the step of setting the selected software implementation for deployment comprises the step of setting the selected software implementation for install [2:47-50, see installation plan].

Regarding claim 3 the method of claim 2 wherein the step of setting the selected software implementation for install comprises the step of including the software implementation in a list of software implementations to install [15:15-30, see plan output file and plan section for list].

Regarding claim 4 the method of claim 1 further comprising the step of installing the selected software implementation [claim 10].

Regards, to claim 6 the method of claim 1 wherein the step of deselecting comprises the step of setting the at least one other software implementation for uninstall [16:27-30, Remove Network Installation Enablement statement (2078)].

Regards, to claim 7 the method of claim 1, further comprising the step of uninstalling the at least one other software implementation [16:27-30, Remove Network Installation Enablement statement (2078)].

Regards, to claim 9 the method of claim 1 wherein the information indicative of precedence relationships between software implementations is maintained in a centralized class store of the network [2:45-50, shows installing child objects if required (precedence relationship) in a network to install and configure workstations in the LAN using a LAN server, see (48) fig 1].

Regarding claim 14 the method of claim 1 wherein the client is a user, and wherein the step of selecting a software implementation as a selected software implementation occurs in response to a user request [5:58-62].

Regarding claim 16 see reasoning in claim 1 with regards to limitation on Policy see prerequisite and plan [2:27-33].

Regarding claim 17 see reasoning in claim 1.

Regarding 18 see claim 4 for reasoning.

Regarding claim 19 the method of claim 18 wherein the installation is mandatory [2:27-33, see prerequisite].

Regarding claim 20 the method of claim 18 wherein the client is a user, and wherein the step of installing the first software implementation is optional for that user [2:55-58, examiner interprets optional to be customizing funtionality from prior art].

Regarding 21 see reasoning in claim 7.

Regarding claim 26 the method of claim 25 wherein the step of specifying the precedence relationships for the groups of clients comprises the step of specifying a pilot group of clients that is small relative to a total number of clients of the network [2:55-57, see plan with customizing for particular workstations].

Regarding claim 27 the method of claim 26 wherein the step of specifying the precedence relationships for the groups of clients comprises the step of specifying a rollout group of clients that is relatively larger than the pilot group and smaller than the total number of clients of the network [2:43-47, see group in plan, representing a group of workstations].

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claim 5, and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over

Shrarder USPN 5,867,713 as applied in claim 1, in view of Parthesarathy et al USPN 6,269480.

Regarding claim 5 Shrader discloses all the claimed limitations as applied in claim 1.

Sharder doesn't explicitly disclose advertising the selected software implementation. However

Parthesarathy does disclose notifying users of software, [see title, & et seq]. Therefore one of

ordinary skill in the art at the time the invention was made would have been motivated to modify

Shrader with Parthesarathy to implement the instant claimed invention because, advertising

software in Networking environments is a general practice and enables system to be installed

and updated as needed.

Regarding claim 11 Shrader discloses all the claimed limitations as applied in claim 1.

Sharder doesn't explicitly disclose precedence relationships between software implementations

being maintained in property values for the software implementations. However Parthesarathy

does disclose this feature [6:33-40, see OSD vocabulary for dependencies using tags, as

interpreted]. Therefore one of ordinary skill in the art at the time the invention was made would

have been motivated to modify Shrader with Parthesarathy to implement the instant claimed

invention because, setting precedence values during installation allows programs to be

configured correctly.

Regarding claim 25 the method of claim 16 further comprising the step of specifying the precedence relationships for the groups of clients [Parthesarathy, 6:33-40].

Claims 8,10,13 &15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shrarder USPN 5,867,713 as applied in claim 1, in view of Davis et al USPN 5,742,289

Regards, to claim 8 Shrader discloses all the claimed limitations as applied above in claim 1. Shrader doesn't explicitly disclose the step of removing the at least one other software implementation from the set of software implementations to deploy. However, Davis does disclose this limitation in a similar configuration [14:7-10]. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Shrader with Davis to implement the instant claimed invention because, removing or deleting files during installation prevents system conflict by removing duplicate or not needed files.

Regards, to claim 10 the method of claim 8 wherein the class store is associated with a group policy object provided for the client [Shrader, 2:45 see group plan].

Regarding claim 13 the method of claim 1 wherein the client is a user, and wherein the step of selecting a software implementation as a selected software implementation automatically occurs as part of a user logon [Davis, fig 5A (502)].

Regarding claim 15 the method of claim 1 wherein the client is a machine, and wherein the step of selecting a software implementation as a selected software implementation automatically occurs when the machine connects to the network [Davis,2:52-55].

Claims 12, &22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shrarder USPN 5,867,713 as applied in claim 1, in view of Nakajima 6,289,510.

Regards, to claim 12 Shrader discloses all the claimed limitations as applied above in claim 1. Shrader doesn't explicitly disclose precedence relationships between software implementations includes a property value indicative of whether to replace or overlay another software implementation. However, Nakajima does disclose this limitation in a similar

configuration [7:5-10]. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Shrader with Nakajima to implement the instant claimed invention because, using values to indicate overlaying or replacing a program during installation is a general practice during program updating and allows system to identify components which require replacing.

Regarding claim 22 see reasoning in claim 12.

Claims 23 & 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Shrarder USPN 5,867,713 as applied in claim 16, in view of Hendrickson et al USPN 5,933,646 hereinafter Hendrickson.

Regards, to claim 23 Shrader discloses all the claimed limitations as applied above in claim 16. Shrader doesn't explicitly the step of setting a first software implementation for uninstall when a second software implementation has precedence over the second software implementation. However, Hendrickson does disclose this limitation in a similar configuration [claims 1 and 5 for precedence see dependency]. Therefore it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Shrader with henderickson to implement the instant claimed invention because, uninstalling components during an install or program update makes systems run more efficiently.

Regarding claim 24 the method of claim 23 further comprising the step of uninstalling the first software implementation and installing the second software implementation [Henderickson claim 1 and claim 5].

Correspondence Information

Any inquires concerning this communication or earlier communications from the examiner should be directed to Chuck O. Kendall who may be reached via telephone at (703) 308-6608. The examiner can normally be reached Monday through Friday between 8:00 A.M. and 5:00 P.M. est.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Morse can be reached at (703) 308-4789.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

For facsimile (fax) send to 703-7467239 official and 703-7467240 draft

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PRIMARY EXAMINER